

In the Court of Appeals of the State of Alaska

Cesar Alexander Winter,

Appellant,

v.

Municipality of Anchorage,

Appellee.

Court of Appeals No. **A-12986**

Order

Date of Order: **1/30/2019**

Trial Court Case No. **3AN-16-05866CR**

The Appellant's opening brief was due on December 21, 2018. After the Appellant's attorney, Mr. Michael H.T. Graper, failed to file either the opening brief or an appropriate request for an extension of time, this Court ordered Mr. Graper to show cause why a fine of \$50.00 should not be imposed under Appellate Rule 510(c).

On January 28, 2019 Mr. Graper filed his response to the order to show cause, and also filed a request for an additional 60-day extension (that is, an additional 60-day extension from January 28, 2019). In his response to the order to show cause, Mr. Graper essentially explains that he misplaced the file in this case while working on another matter for the Appellant.

Because this is Mr. Graper's second order to show cause in this case for missing the filing date for the opening brief (the first order to show cause was issued July 5, 2018), the Court finds that Mr. Graper has failed to show adequate cause as to why he was unable to timely file the opening brief in December.

As for Mr. Graper's request for a 60-day extension, under this Court's Standing Order 12, 390 days is the maximum composite briefing extension an appellant

may receive without filing an affidavit setting out, among other things, the extraordinary and unforeseen circumstances that justify extending the briefing deadline beyond the limits established in the Standing Order. Because the Appellant's opening brief was initially due on January 16, 2018, any extension beyond February 11, 2019 must be supported by an affidavit containing the information required by Standing Order 12.

IT IS THEREFORE ORDERED:

1. Attorney Michael H.T. Graper is ordered to pay a fine of \$50, but this fine is suspended on condition that he adhere to this Court's deadlines for the next twelve months.

2. The motion for a 60-day extension is GRANTED in PART. The Appellant's opening brief is due on or before February 11, 2019. Any request for an additional extension must conform with Standing Order 12.

3. The Clerk's Office shall attach a copy of Standing Order 12 to this Order.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

W. Kyle Roberts, Deputy Clerk

Distribution:

Michael H.T. Graper
Denali Law Group
750 W 2nd Ave., Ste 104
Anchorage AK 99501

Sarah Stanley
Municipality of Anchorage
632 W 6th Ave., Suite 210
Anchorage AK 99501